

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 32

March 13, 1998, 9:33 am
Page S-1907 Temp. Record

HUSSEIN INDICTMENT AND PROSECUTION/Final Passage

SUBJECT: A resolution in support of urging the United Nations to indict and prosecute Saddam Hussein of Iraq for crimes against humanity, genocide, and other violations of international humanitarian law . . . S. Con. Res. 78. Final passage, as amended.

ACTION: CONCURRENT RESOLUTION AGREED TO, 93-0

SYNOPSIS: As passed, S.Con. Res. 78, a resolution in support of the United Nations indicting and prosecuting Saddam Hussein of Iraq, resolves that the Senate and the House believe that the President: 1) should call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials; 2) should call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and 3) should upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice. The resolution is based on numerous findings that detail past and present gross violations of international humanitarian law by Iraq, that detail United Nations past and present prosecution of war criminals from other countries who committed similar violations, and that note that it would set a dangerous precedent to allow Hussein and other Iraqis guilty of committing such violations to escape United Nations indictment and prosecution.

Those favoring final passage contended:

Argument 1:

Many of us have been trying for the past several years to establish an international criminal court to deal with crimes against

(See other side)

YEAS (93)				NAYS (0)		NOT VOTING (7)	
Republican (49 or 100%)		Democrats (44 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (6)	Democrats (1)
Abraham	Helms	Akaka	Johnson			Enzi- ²	Inouye- ²
Allard	Hutchinson	Baucus	Kennedy			Faircloth- ²	
Ashcroft	Hutchison	Biden	Kerrey			Inhofe- ²	
Bennett	Kempthorne	Bingaman	Kerry			Jeffords- ²	
Bond	Lott	Boxer	Kohl			Kyl- ²	
Brownback	Lugar	Breaux	Landrieu			McCain- ²	
Burns	Mack	Bryan	Lautenberg				
Campbell	McConnell	Bumpers	Leahy				
Chafee	Murkowski	Byrd	Levin				
Coats	Nickles	Cleland	Lieberman				
Cochran	Roberts	Conrad	Mikulski				
Collins	Roth	Daschle	Moseley-Braun				
Coverdell	Santorum	Dodd	Moynihan				
Craig	Sessions	Dorgan	Murray				
D'Amato	Shelby	Durbin	Reed				
DeWine	Smith, Bob	Feingold	Reid				
Domenici	Smith, Gordon	Feinstein	Robb				
Frist	Snowe	Ford	Rockefeller				
Gorton	Specter	Glenn	Sarbanes				
Gramm	Stevens	Graham	Torricelli				
Grams	Thomas	Harkin	Wellstone				
Grassley	Thompson	Hollings	Wyden				
Gregg	Thurmond						
Hagel	Warner						
Hatch							

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

humanity and other international crimes. Such a court would make it the norm to prosecute tyrants like Saddam Hussein. Unfortunately, we have not succeeded in our efforts, so if we are going to get the world to take action against Hussein we are going to have draw attention to the need for his prosecution. The resolution before us would do so.

Hussein richly deserves prosecution. He has conducted genocidal campaigns, complete with massive poison gas attacks, against minority groups within Iraq. He also used chemical weapons repeatedly during the Iran-Iraq War, he allowed his troops to rape and murder with impunity during the occupation of Kuwait, and he ordered Scud missile attacks on the civilian populations of Bahrain, Saudi Arabia, Iran, and Israel. The international community should stop looking the other way. It should systematically compile the evidence of Saddam Hussein's atrocities and undertake criminal proceedings to deliver the punishment that he so richly deserves.

Our action in passing this resolution presents a challenge to the international community to join the United States in putting the wheels of justice into motion. We should not underestimate the difficulty of physically delivering Saddam Hussein to a tribunal, but it would be unconscionable to abandon the quest for justice. Silence and inaction would be a grave injustice to the hundreds upon thousands of his victims.

Argument 2:

We wholly agree with our colleagues. We add that this resolution is necessary to correct the Clinton Administration's dangerous inability to deal with Iraq. To put it bluntly, the Clinton Administration's current policy, such as it is, is making a bad situation worse. Hussein has an arsenal of weapons of mass destruction, and that arsenal is growing. He has used such weapons before, and no one doubts his willingness to do so again. Under the terms by which the Gulf War was settled, Saddam Hussein is required to allow United Nations inspectors to search Iraq for weapons of mass destruction and to destroy any that it finds (though Iraq claims it does not have such weapons, inspectors have found them, and it is well known that it has more and is actively adding to its arsenal). Since the war, Hussein has repeatedly made inspections difficult or impossible. Each time he has blocked or hindered inspections, the United States' response has been to build up military forces in the region at an enormous cost and to attempt to rally international support. Each time, Hussein has backed down, but each time his stature in his own country has grown for standing up to the United States, and each time it has become more difficult to get the rest of the world, and now even the American public, to go along. The last confrontation between Iraq and the United States, which just ended, included the depressing spectacle of the President sending the Secretaries of State and Defense to a public meeting that was intended to be a media relations ploy that would drive up poll numbers in favor of military action against Iraq, but which instead turned into a shouting match between spectators and the Secretaries. We cannot really blame our allies or Iraq's neighbors for being increasingly reluctant to stand up to Hussein, because he is as firmly entrenched in power as ever. Sanctions have been ineffectual, and military action has if anything strengthened him. The Clinton Administration, though, has nothing else to offer. The United States' policy is costly, and it is actually being used by Hussein to strengthen his position. Further, we believe that the military threat is barely even credible now because Hussein and we know that if he survives any military assault to come that the remaining international resolve to stand up to him will evaporate.

The pending resolution gives us one new alternative. Hussein is unquestionably guilty of crimes against humanity for which he should be prosecuted. If the world convicts him, he may be brought to justice. Other alternatives that may be pursued include aiding opposition elements in Iraq, developing better defenses against weapons of mass destruction, and building support for military action aimed at ending Hussein's rule. Hussein, for the moment, has agreed to allow weapons inspections. We do not expect him to keep his worthless word for long. The President has only a short window of opportunity to come up with an effective policy for dealing with him. We urge President Clinton not to miss this opportunity.

No arguments were expressed in opposition to final passage.